

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CARMEN FLORES, individually and on behalf of all others similarly situated,	(
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	(
Plaintiff,	(
	(Case No. 07 C 6403
v.	(Judge Hibbler
	(Magistrate Judge Valdez
DIAMOND BANK,	(
	(
Defendant.	(

**DEFENDANT DIAMOND BANK’S UNOPPOSED MOTION FOR AN
ENLARGEMENT OF TIME TO RESPOND TO PLAINTIFF’S FIRST
AMENDED CLASS ACTION COMPLAINT**

Defendant DIAMOND BANK, by and through its attorneys, Belongia & Shapiro, LLP, moves this Court for the entry of an order granting a twenty-one (21) day enlargement of time, up through and including February 5, 2008, for Defendant to respond to Plaintiff’s First Amended Class Action Complaint, and in support thereof states:

1. The Diamond Bank’s (hereinafter referred to as the “Bank”) response to Plaintiff’s First Amended Class Action Complaint (hereinafter referred to as the “Amended Complaint”) is due on January 15, 2008.

2. The Bank is seeking to support its factual assertions made in its response with the affidavit of a third-party (hereinafter referred to as “affiant”).

3. The Bank’s counsel first communicated with the affiant last Monday, January 7, 2008. During that conversation, the affiant indicated to the Bank’s counsel that he would execute an affidavit for inclusion with the Bank’s response to Plaintiff’s Amended Complaint.

4. The affiant also indicated to the Bank's counsel that he would be represented by his own counsel, and that the affiant's counsel would work with the Bank's counsel in preparing the affidavit.

5. Since the January 7, 2008 conversation with the affiant, the Bank's counsel has not been able to communicate with the affiant. The affiant has failed to return any phone calls from the Bank's counsel, and has failed to put his indicated counsel in contact with the Bank's counsel.

6. Counsel for the Bank contacted counsel for Plaintiff and is authorized to represent that Plaintiff has no objection to this motion for enlargement of time.

7. Plaintiff will not be prejudiced by granting the Bank's Motion for Enlargement of Time to Respond to Plaintiff's Amended Complaint.

WHEREFORE, the Defendant DIAMOND BANK respectfully requests that this Court enter an order granting additional time to respond to Plaintiff's First Amended Complaint, up to and including February 5, 2008.

Respectfully Submitted,
DEFENDANT

/s/ Nathaniel R. Sinn
One of Defendant's Attorneys

Dated: January 15, 2008

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ORDER GRANTING ENLARGEMENT OF TIME

THIS CAUSE is before the Court on Defendant DIAMOND BANK'S Unopposed Motion for an Enlargement of Time to Respond to Plaintiff's First Amended Class Action Complaint. The Motion is hereby granted, and Diamond Bank shall have until February 5, 2008 to respond to Plaintiff's First Amended Complaint.

DONE AND ORDERED in chambers at Chicago, Illinois this ____ day of January, 2008.

Honorable William J. Hibbler
District Judge

Copies furnished to:
Lance A. Raphael
Mark D. Belongia

Prepared By:
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